

PARAGUAY 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Paraguay is a multiparty, constitutional republic. In 2018 Mario Abdo Benitez of the Colorado Party, also known as the National Republican Association, won the presidency in elections recognized as free and fair. Legislative elections took place at the same time.

The National Police, under the Ministry of Internal Affairs, are responsible for preserving public order, protecting the rights and safety of persons and entities and their property, preventing and investigating crimes, and implementing orders given by the judiciary and public officials. Civilian authorities at times did not maintain effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment by security forces; harsh and at times life-threatening prison conditions; arbitrary arrest and detention; substantial problems with the independence of the judiciary; serious restrictions on free expression and media, including intimidation of journalists by politically and economically powerful actors; serious government corruption; lack of investigation of and accountability for violence against women; and human trafficking, including the worst forms of child labor.

The government took steps to prosecute and punish low- and mid-ranking officials who committed human rights abuses and corruption, but impunity for high-level politicians and officials in police and security forces was widely alleged.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

The Special Human Rights Unit of the Public Ministry continued to investigate the September 2020 deaths of two 11-year-old girls in the department of Concepcion after a combined police-military Joint Task Force (FTC) operation against the Paraguayan People's Army, a criminal group of an estimated 30 individuals. Domestic political activists as well as those in the international community alleged the FTC killed two civilian girls; however, the government asserted the girls were child soldiers in the Paraguayan People's Army. Officials disputed a February 5 statement by the Office of the UN High Commissioner for Human Rights alleging the existence of evidence that the FTC was responsible for the girls' deaths. The FTC stated it completed an internal investigation and transmitted the results to the Public Ministry in October 2020.

The Paraguayan People's Army continued to carry out kidnappings, bombings, and other violent acts in Concepcion, Amambay, and San Pedro Departments. Although the government officially defines the Paraguayan People's Army as a criminal group, officials repeatedly characterized it as a terrorist organization.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

On June 28, a splinter group of the Paraguayan People's Army abducted agribusinessman Jorge Rios in Puentesino, Concepcion Department. The group demanded \$200,000 to release Rios and took him to Brazil. Brazilian police found Rios' body in the state of Mato Grosso do Sul, Brazil, on July 3. The Paraguayan People's Army allegedly continued to hold three captives: police officer Edelio Morinigo, missing since 2014; farmer Felix Urbieto, missing since 2016; and former vice president Oscar Denis, missing since 2020.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and the government generally respected these provisions, but there were credible reports that some government officials employed such practices. The Public Ministry's Special Human Rights Unit opened 11 torture investigation cases, but there were no convictions, and all

investigations were pending as of October 18. Unlike other criminal cases, torture charges do not have a statute of limitations or a defined period within which charges, an investigation, or the oral trial must be completed. The Special Human Rights Unit was investigating 96 open cases as of October 1, most of them from the 1954-89 Stroessner dictatorship. A representative of the unit stated it was unusual for a case to move to prosecution and sentencing within one year due to mandatory procedural steps and a lack of investigative resources.

The Special Human Rights Unit continued to investigate allegations that unidentified Coast Guard sailors committed torture and other cruel, inhuman, or degrading treatment of 35 civilians in Ciudad del Este in July 2020. The sailors allegedly committed physical and psychological abuses, including threats of death, in responding to the killing of a fellow sailor by narcotics traffickers earlier that evening.

Several civil society groups publicly criticized the FTC and called for its disbandment due to alleged human rights abuses and corruption by the FTC in the country's northeastern region. The FTC's principal goal was eliminating the Paraguayan People's Army, while also combatting other transnational criminal organizations. The FTC included personnel from the armed forces, National Police, and National Anti-Narcotics Secretariat.

Impunity was a problem in the security forces. Corruption and politicization allegedly contributed to impunity. The Special Human Rights Unit and the semi-independent National Mechanism for the Prevention of Torture (NMPT) both continued to investigate alleged human rights abuses by security forces from past years. When prosecutions and charges occurred in the past, they often took years of investigation and judicial processing.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and at times life threatening due to inmate violence, mistreatment, overcrowding, poorly trained staff, poor infrastructure, and unsanitary living conditions.

Physical Conditions: According to the NMPT, prisons were overcrowded, with inmates at some facilities forced to share bunks, sleep on floors, and sleep in shifts.

The NMPT found that as of August 31, the average occupancy rate was 98 percent above the NMPT's occupational index, based on a standard of at least 75 square feet for each inmate. Penitentiaries did not have adequate accommodations for inmates with physical disabilities.

Prisons and juvenile facilities generally lacked adequate temperature control systems, of particular concern during hot summer months. Some prisons had cells with inadequate lighting. At times prisoners were confined for long periods without an opportunity for exercise. Some prisons lacked basic medical care. There were reports that inmates had to pay bribes for basic services such as medical appointments. Adherence to fire prevention norms was lacking.

Overcrowding and limited resources to control the prisons abetted criminal organizations and generated violent confrontations. Government authorities reported inmate recruitment within the prisons by members of Brazilian gangs, including Primeiro Comando da Capital (PCC) and Comando Vermelho, as well as domestic criminal organizations, including the Rotela Clan.

Seven prisoners died during a February 16 riot in Asuncion's Tacumbu Prison. Prisoners took 19 prison guards hostage during the riot, eventually releasing them unharmed. Prisoners rioted after authorities transferred Orlando Efren Benitez, member of the Rotela Clan, to another prison to thwart a reported escape attempt. While media initially reported the riot was the result of gang violence between the Rotela Clan and the PCC, Minister of Justice Cecilia Perez stated it was in fact a planned distraction from Benitez's intended prison break, carried out in response to his transfer.

Administration: Authorities conducted some investigations of credible allegations of mistreatment, but the NMPT reported authorities often failed to conduct adequate investigations, particularly regarding prison directors accused of mistreatment. Although married and unmarried heterosexual inmates were permitted conjugal visits, the ministry prohibited such visits for lesbian, gay, bisexual, transgender queer, and intersex (LGBTQI+) inmates. Ministry of Justice representatives stated prison authorities were unable to permit conjugal visits for LGBTQI+ inmates because the law does not recognize same-sex marriage.

Independent Monitoring: The government granted access to prisons for media, international monitoring bodies, independent civil society groups, and diplomatic representatives. Officials sometimes barred access to investigative journalists.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government did not always observe these requirements. In some cases police ignored requirements for a warrant by citing obsolete provisions that allow detention if individuals are unable to present personal identification upon demand.

Arrest Procedures and Treatment of Detainees

Police may arrest individuals with a warrant or with reasonable cause, although police allegedly made arrests without judicial authorization or reasonable cause in some cases. The law provides that after making an arrest, police have up to six hours to notify the Public Ministry, after which that office has up to 24 hours to notify a judge if it intends to prosecute. The law allows judges to use measures such as house arrest and bail in felony cases. According to civil society representatives and legal experts, in misdemeanor cases judges frequently set bail too high for many poor defendants to post bond, while politically connected or wealthy defendants paid minimal or no bail or received other concessions, including house arrest.

The law grants defendants the right to hire counsel, and the government provides public defenders for those who cannot afford counsel. Detainees had access to family members.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention. As of September 30, the Special Human Rights Unit reported 68 complaints of “deprivation of freedom,” a category that includes arbitrary arrest and detention. Media and nongovernmental organizations (NGOs) also reported several cases of arbitrary arrest and detention. The law provides defendants an avenue to challenge their detention before a neutral magistrate.

Pretrial Detention: The law permits detention without trial for a period

equivalent to the minimum sentence associated with the alleged crime, a period that could range from six months to five years. Some detainees were held in pretrial detention beyond the maximum allowed time. In some cases inmates also remained imprisoned beyond the time for which they were sentenced. According to the NMPT, as of August 31, 71 percent of prisoners awaited trial or sentencing, contributing to overcrowding, prisoner-on-prisoner violence, illegal activity, and lack of access to basic services.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, courts were inefficient and subject to corruption and outside influence. The National Republican Association (ANR) party and the Liberal Party politicized the Supreme Court, lower courts, and the selection and disciplining of judges and prosecutors. The Council of Magistrates chooses the attorney general, judges, prosecutors, and public defenders throughout the judicial system. This process, combined with similarly politicized five-year career renewal appointments and a parallel qualifications examination, contributed to an atmosphere within the judicial branch of excessive political influence and lack of judicial independence.

NGOs and government officials alleged some judges and prosecutors solicited or received bribes to drop or modify charges against defendants. In addition, undue external influence often compromised the judiciary's independence. Interested parties, including politicians, routinely attempted to influence investigations and pressure judges and prosecutors. Judicial selection and disciplinary review board processes were often politicized. The law requires that specific seats on the board be allocated to congressional representatives, who were reportedly the greatest source of corrupt pressure and influence.

Trial Procedures

The constitution provides for the right to a fair and public trial, which the judiciary nominally provided. Defense attorneys, along with complicit judges and prosecutors, however, regularly manipulated the judicial process to reach the statute of limitations before trials concluded. Defense tactics to remove or suspend judges and prosecutors exacerbated the lengthy trial process. Impunity was

common due to politicization of and corruption within the judiciary.

Defendants enjoy a presumption of innocence. Defendants have the right to receive promptly information on the charges they face, but some defendants received notification only when they faced arrest warrants or seizure of their property. Defendants have the right to a trial without undue delay, although trials were often protracted. They have the right to be present at the trial. Defendants have the right to communicate with an attorney of their choice or one provided at public expense. Defendants have the right to a reasonable amount of time to prepare their defense and to access their legal files. Defendants have the right to free interpretation services as necessary, including translation to Guarani, the country's second official language. Defendants may question prosecution or plaintiff witnesses and present their own witnesses and evidence. Both defendants and prosecutors may present written testimony from witnesses and other evidence. Defendants may confront adverse witnesses, except in cases involving domestic or international trafficking in persons, in which case victims may testify remotely or in the presence of the defendant's lawyers, in lieu of the defendant. Defendants are not compelled to testify or confess guilt and may choose to remain silent. Defendants have the right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens have access to the courts to file lawsuits seeking damages for, or cessation of, human rights violations. There are administrative and judicial remedies for alleged wrongs, and authorities generally granted these remedies to citizens. The court may order civil remedies, including fair compensation to the injured party; however, the government experienced problems enforcing court orders in such cases. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies.

Property Seizure and Restitution

The government generally enforced court orders with respect to seizure, restitution,

or compensation for taking private property. Police may evict unauthorized tenants upon request from a judge. On September 30, President Abdo Benitez signed into law a bill to increase the criminal penalty for land invasions from two years in prison to six years and up to 10 years.

Systemic inadequacies within the land registry system prevented the government from compiling a reliable inventory of its landholdings. Registered land far exceeded the size of the country, and there were reports of forced evictions.

Propertyless farmers and indigenous groups used land invasions to claim unused land or land these groups otherwise believed to be rightfully theirs. Other groups used land invasions to pursue illegal activities, including illegal logging and cultivating illegal crops. NGOs and indigenous rights groups stated the September 30 law was designed to protect politically powerful families who took possession of public land during the dictatorship of Alfredo Stroessner.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law and constitution provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press and a functioning democratic political system combined to promote freedom of expression, including, for the most part, members of media, although widespread corruption in the judiciary hindered protections in court.

Violence and Harassment: Journalists occasionally suffered harassment and intimidation, primarily from politically motivated “bots” or automated social media profiles, but also from politicians. Media and international NGOs reported

several such incidents against journalists. There were no incidents of violence against journalists reported during the year.

Journalists and political observers expressed concern regarding politicians making vague, irresponsible, and unsupported allegations against journalists whose politics were contrary to their own. Senator Enrique Riera publicly accused online media outlet *El Surtidor* of attempting to destabilize the government after it criticized a legislative initiative he supported. Some journalists said they had been unable to report on topics such as abortion or LGBTQI+ rights due to outlet owners' concerns regarding the reaction of conservative financial sponsors.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the government generally respected these rights.

Civil society activists accused the government of violating protesters' rights during March antigovernment street protests by attempting to forcefully disperse crowds. On March 17, a plainclothes police officer fired a shotgun toward a crowd of protesters attempting to set fire to the ANR headquarters. During the investigation, the officer stated he fired nonlethal ammunition as a warning to protesters. Prosecutors declined to charge the officer with any crimes.

In addition, during the street protests in March, videos appeared showing police officers on horseback forcing a detained man to run down the street, hands bound, in front of their horses. The man later claimed police also beat him. As of October 18, the government had not made an official statement regarding the incident.

Civil society activists accused police of using live fire on September 30 against civilians protesting the passage of legislation criminalizing land invasions (see section 1.e.). Authorities had not addressed the allegations as of October 18.

In September a criminal court acquitted anticorruption activist Esther Roa following her June 2020 indictment for alleged violation of COVID-19 protocols while participating in an antigovernment protest.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government did not assist in the safe, voluntary return to their home countries of those who were not granted refugee status; it relied on assistance from the Office of the UN Human Rights Commission to facilitate such returns.

Durable Solutions: Persons whose claims of asylum or refugee status were refused could seek other migration options, including obtaining legal permanent residency in the country.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2018 the country held general elections to elect a president, vice president, department governors, members of both houses of Congress, and Mercosur Parliament members. Mario Abdo Benitez of the ANR party won the presidential election. The ANR also won a plurality in the Senate and a majority in the lower house of Congress. Election observation missions from the Organization of American States and the EU characterized the elections as free and fair.

On October 10, municipal-level elections were held for mayorships and municipal council seats across the country. Government and civil society observers judged the elections to have been free and fair. On September 20, prior to the municipal elections, Carlos Aguilera, an ANR candidate for municipal council in Itakyry, Alto Parana Department, was shot and killed in his home. The prime suspect, Luis Acosta, a municipal council candidate for a coalition of opposition parties, evaded law enforcement and as of October 18 remained at large. Including Aguilera, four municipal candidates – ANR and opposition members – were killed during the year’s election cycle. Opposition party PLRA also denounced threats and intimidation targeting at least three of its candidates for various municipal seats. ANR supporters vandalized a voting center in a school in Domingo Martinez de Irala, Alto Parana Department, after voting closed and results showed the former PLRA mayor had been reelected. The vandals also set the re-elected mayor’s car on fire. As of November 29, authorities were investigating the incident.

The Public Ministry received 167 complaints of mostly minor voting irregularities around the country. Media reported the ANR sent unsanctioned “election advisers” to multiple voting sites, at times illegally accompanying voters into voting booths. There were numerous anecdotal reports of vote buying, particularly in rural areas. Observers reported the price for an ANR vote in areas around Asuncion was approximately 100,000 Guaranies (\$15).

The June 18 municipal primaries and October 10 municipal elections introduced a new system that allowed voters more freedom to prioritize individual candidates on their preferred party's candidate list. Voters were able to select any candidate from their preferred party's list to prioritize over the others on the list.

Political Parties and Political Participation: The ANR and the Liberal Party maintained long-standing control of the political process. New, small, and nontraditional political parties faced hurdles in securing sizable congressional representation due to seat allocation formulas in the electoral code that favor larger parties. Independent candidates faced obstacles in setting up and running campaigns, since by law they must form a movement or political party and present a minimum number of candidates in a slate to compete.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process. Women participated in the process, but there were no minority groups represented in Congress or governorships. The law requires that at least 20 percent of each party's candidates in internal party primaries be women. Although the parties met this requirement in the 2018 election, they placed most female candidates toward the end of the closed party lists, effectively limiting women's chances of being elected. Women's representation in Congress, 14 percent, did not change as a result of the 2018 election.

Although there were no legal impediments to participation by members of minority groups, persons with physical disabilities, openly LGBTQI+ persons, or indigenous persons in government, no clearly identifiable individuals from those groups served as a governor or in the cabinet, legislature, or Supreme Court.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. There were widespread reports of government corruption in all branches and at all levels of government, with investigative journalists and NGOs reporting on hundreds of cases of embezzlement, tax evasion, illicit enrichment, breach of public confidence, false

documents, and criminal association.

Although in 2020 there was an increase in Public Ministry corruption investigations and indictments, these cases typically proceeded slowly and took several years to reach a verdict in the courts. Under a law that prohibits court cases from lasting longer than four years, politicians and influential individuals convicted in lower courts routinely avoided punishment by filing appeals and motions until reaching the statute of limitations or by successfully requesting the removal or suspension of judges and prosecutors working on their cases. Although indictments and convictions for corruption of low- and mid-level public officials occurred occasionally, high-ranking public officials enjoyed a high degree of impunity. In addition, politicization and corruption were pervasive throughout the judicial branch, particularly in the lower courts and regional offices, hampering the judiciary's effectiveness and undermining public trust.

Corruption: Impunity was endemic for former and current high-level government officials accused of crimes. NGOs and the press continued to report on several former government ministers, mayors, governors, and current elected officials who avoided prosecution in the justice system despite being accused of, and indicted for, corruption and other crimes. Persons indicted for corruption were not held in pretrial detention. As of October 18, unresolved high-level corruption cases included four former ministers from the current administration, as well as four former and seven current members of Congress, and three former Supreme Court justices.

On August 12, after a six-month trial, a criminal court sentenced former senator Oscar Gonzalez Daher to seven years in prison for illicit enrichment and making false statements. The court also ordered the forfeiture of nearly five million dollars of illicit gains and barred Gonzalez Daher from public office for seven years. Observers judged the sentencing of such a politically powerful figure to be a landmark event given the tradition of judicial corruption and impunity. Gonzalez Daher appealed the ruling and was free on bail when he died on October 21. The court also sentenced his son, Oscar Gonzalez Chaves, to eight years in prison. Gonzalez Chaves appealed the ruling. The appeal remained pending when he was elected to municipal office on October 10. Gonzalez Chaves took office on November 9.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with domestic NGOs and international organizations and met with domestic NGO monitors and representatives, but they rarely acted in response to NGO reports or recommendations.

Government Human Rights Bodies: The human rights ombudsman generally operated with independence, focusing on investigating misuse of public money and abuse of authority by public officials. The NMPT maintained its independence from other government offices, although its reports were not always acted upon. The Public Ministry maintained a special human rights unit in charge of investigating human rights abuses on behalf of the government. Several other government ministries had human rights offices to monitor compliance with human rights legislation. According to NGOs and civil society, however, there was no central point of contact to coordinate human rights issues.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and provides penalties of up to 10 years in prison for rape or sexual assault. If the victim is a minor, the sentence ranges from three to 15 years in prison. According to the Ministry of Women's Affairs and media sources, rape continued to be a significant and pervasive problem, with many rapes going unreported due to social stigma, victims' fears of retaliation, and lack of training among law enforcement officials. The government generally prosecuted rape allegations and sometimes obtained convictions. Prosecutors reported difficulties obtaining convictions for rape due to victims' reluctance to testify or submit to medical examinations. Meanwhile, due to the slow pace of the judicial system,

cases often reached their statute of limitations before prosecutors could obtain a conviction.

Although the law criminalizes domestic violence, including psychological abuse, and stipulates a penalty of two years in prison or a fine, the law requires the abuse to be habitual and the aggressor and victim to be “cohabitating or lodging together.” Judges typically issued fines, but in some cases, they sentenced offenders to prison to provide for the safety of the victim. In some instances the courts mediated domestic violence cases.

According to NGOs and the Ministry of Women’s Affairs, domestic violence was widespread. Government statistics from January to May showed a 30 percent decrease in calls to a hotline for victims of domestic violence, compared with the same period in 2020. The Public Ministry reported domestic violence was the most reported crime during the year, with more than 13,000 cases reported between January and July. In many instances victims asked prosecutors to drop cases against their attackers due to fear of reprisals, allowing their attackers’ crimes to go unpunished.

Femicide remained a serious problem. The law criminalizes femicide and mandates a sentence of between 10 and 30 years in prison. Officials generally enforced the law and prosecuted femicide cases, but impunity in these cases remained high, consistent with generalized impunity levels.

The Ministry of Women’s Affairs promoted a national 24-hour telephone hotline for victims. The ministry also operated a shelter and coordinated victim assistance efforts, public outreach campaigns, and training. The ministry’s Woman City in Asuncion, an integrated service center for women, aided focusing on prevention of domestic violence and on reproductive health, economic empowerment, and education. As of October 12, the National Police had nine specialized units to assist victims of domestic violence and 39 officers dedicated exclusively to responding to domestic violence situations.

Sexual Harassment: The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine. Sexual harassment remained a problem for many women, especially in the workplace. Prosecutors found sexual harassment and

abuse claims difficult to prove due to victims' fear of workplace retaliation and societal pressures against victims. Many dropped their complaints or were unwilling to cooperate with prosecutors. The Ministry of Women's Affairs carried out a campaign to build public awareness regarding sexual harassment. The ministry's Woman City initiative attended to complaints of sexual harassment and provided legal guidance and emotional support for victims.

In September the Public Ministry indicted lawyer Diego Lansac for extorting a female client by demanding sex in exchange for not releasing her sensitive photographs. As of October 18, Lansac was under house arrest while awaiting trial.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Women's rights advocates reported cases of doctors at public hospitals refusing to perform tubal ligation procedures on women younger than age 30 without children, or without consent from the patient's spouse. These criteria were not based on law or Ministry of Health guidance.

The government provided access to sexual and reproductive health services, including for survivors of sexual violence. A Ministry of Health protocol for survivors of sexual violence, which included provision of reproductive health services, applied to all health-care institutions. Emergency contraception was available as part of clinical management of rape. Follow-up psychiatric care and legal referrals were also available for victims. In practice, however, health-care institutions did not provide access to reproductive health services evenly and in some cases denied such services to sexual violence survivors.

Reproductive health services were concentrated in cities; rural areas faced significant gaps in coverage. According to World Health Organization estimates, the country's maternal mortality and morbidity rate in 2017 was 84 in 100,000 live births. According to UN Population Fund estimates, in 2019 the adolescent birth rate remained high at 72 births per 1,000 girls and women between ages 15 and 19. The Ministry of Health reported a daily average of two births for girls between the ages of 10 and 14. Ministry of Childhood and Adolescence authorities attributed

the high adolescent birth rate to a lack of adequate sexual education in schools, noting conservative and religious groups effectively quashed the ministry's December 2020 attempt to improve sexual education in public schools.

While menstrual period stigma was not sufficiently strong to prevent women and girls from participating in society, lack of sexual education and limited access to hygiene products may have dissuaded some students from going to class during their periods. In addition, women's rights advocates reported some pregnant adolescents were barred from private schools.

Discrimination: The constitution prohibits discrimination based on sex, but the government did not effectively enforce this provision. There is no comprehensive law against discrimination. There is a law specifically against workplace discrimination based on race, skin color, sex, age, religion, political opinion, disability, HIV-positive status, or social origin, but it was rarely enforced.

Women generally enjoyed the same legal status and rights as men. Nonetheless, gender-related discrimination persisted, and employers were sometimes reluctant to hire female employees who might require maternity leave as set forth in the labor code.

Systemic Racial or Ethnic Violence and Discrimination

The law protects members of ethnic minorities or groups from violence and discrimination, but not racial minorities or groups. The government did not enforce the law effectively, most often in cases involving indigenous communities. The Public Ministry is responsible for investigating crimes against ethnic minorities. The Ombudsman's Office is charged with safeguarding the rights of indigenous communities, although it often failed to do so. NGOs also performed independent investigations.

The Afro-descendant community was subject to discrimination and marginalization. While distinct Afro-descendant communities were few, the Ministry of Culture estimated in 2018 there were 12,000 persons of African descent. Afro-descendant communities faced high rates of racial profiling and violence by police, as well as discrimination in the legal system. Afro-descendant communities had limited access to quality education, health services, housing, and

social security, as well as low rates of political participation.

On October 14, the lower house of Congress rejected a bill to recognize Afro-descendants as an ethnic minority and create procedures to protect citizens of African descent from racism and discrimination on the grounds that it did not believe there was any discrimination against Afro-descendants in the country. As of December 10, the Senate was discussing the law.

Indigenous Peoples

The law provides indigenous persons the right to participate in the economic, social, political, and cultural life of the country, but the law was not effectively enforced. Discrimination, coupled with a lack of access to employment, education, health care, shelter, water, and land, hindered the ability of indigenous persons to progress economically while maintaining their cultural identity. Indigenous workers engaged as laborers on ranches typically earned low wages, worked long hours, received pay infrequently, and lacked medical and retirement benefits. This situation was particularly severe in the Chaco region.

The National Institute for Indigenous Affairs (INDI), Public Ministry, Ministry of Justice, Labor Ministry, and Ombudsman's Office are responsible for protecting and promoting indigenous rights. The law mandates that INDI negotiate, purchase, and register land on behalf of indigenous communities who claim lack of access to their ancestral lands. Land rights activists reported INDI was unable to fulfill its mandate due to lack of government support.

The law authorizes indigenous persons to determine how to use communal land. There were insufficient police and judicial protections from encroachments on indigenous lands. This often resulted in conflict and occasional violence between indigenous communities and large landowners in rural areas. Indigenous rights NGO Tierraviva and media reported indigenous communities were often victim to threats, intimidation, and violence from large agrobusinesses in land disputes, often resulting in forced displacement. Agrobusinesses frequently employed private security guards to intimidate indigenous communities. The NGO and media reported law enforcement failed to protect victims in such cases.

The NGO Paraguayan Human Rights Coordinator and Tierraviva expressed

concern regarding the widespread cases of rape, sexual harassment, and physical abuse of women in indigenous communities. Perpetrators were often male members of the community, workers, or employees from neighboring ranches and farms. There were also credible reports of trafficking in persons in indigenous communities. NGO representatives also alleged agrobusiness operations exploited and violated the rights of indigenous workers. Security officials reported that the Paraguayan People's Army actively recruited minors from indigenous communities.

INDI reported in August that an unknown number of evangelical leaders associated with three different churches raped and impregnated 10 adolescent girls from the Yvy Pyte indigenous community in Amambay Department earlier in the year. The Vice Ministry of Worship reported none of the three churches involved were registered with the government. As of November 29, the Public Ministry was investigating the case.

On August 13, the UN Human Rights Committee ruled in favor of a complaint from the Campo Agua'e indigenous community, finding that the government failed to protect the community's traditional lands from toxic contamination by agrobusiness pesticides. A court had previously ruled against the community's suit. As of November 29, the government had not taken any steps to pursue judicial proceedings against the responsible parties, make reparations to the victims, or repair the environmental damage.

Children

Birth Registration: Nationality derives from birth within the country's territory, from birth to government employees in service abroad, or from birth to a citizen residing temporarily outside the country. Hospitals immediately register births, but registration was difficult for many parents of children born in rural areas and in indigenous communities with limited access to health-care facilities. Birth certificates and national identity documents are a prerequisite to access government services, including obtaining a passport.

Child Abuse: The NGO Coalition for the Rights of Children and Adolescents and the Ministry of Childhood and Adolescence stated that violence against children

was widespread. The Ministry of Childhood and Adolescence received reports of physical and psychological child abuse through its child abuse hotline.

The government did not have a shelter exclusively for child victims of sexual abuse; victims were usually assigned to an extended family member or referred to general-purpose youth shelters. Several such shelters existed, including one comanaged by the government and a Roman Catholic organization. In many cities the municipal council for children's rights assisted abused and neglected children.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18, but the law permits marriage for persons ages 16 to 18 with parental consent, and for those younger than age 16 only with judicial authorization under exceptional circumstances. There were no reports of forced marriage.

Sexual Exploitation of Children: According to the Ministry of Childhood and Adolescence and the NGO Coalition for the Rights of Children and Adolescents, child trafficking for the purpose of commercial sexual exploitation or forced domestic servitude was a problem. The law prohibits commercial sexual exploitation; sale, offering, or procuring children for prostitution; and child pornography. The law provides a penalty of eight years' imprisonment for persons responsible for pimping or brokering victims younger than 17, which is significantly lower than the penalties described under the antitrafficking law. The government generally enforced the law.

The minimum age of consent is 14 when married and 16 when not married. The law sets the penalty for sexual abuse in cases involving violence or intercourse to at least 15 years in prison if the victim is younger than 18, and up to 20 years in prison if the victim is younger than 10. The penal code also provides for fines or up to three years in prison for the production, distribution, and possession of pornography involving children or adolescents younger than 18. Authorities may increase this penalty to 10 years in prison depending on the age of the child and the child's relationship to the abuser. The law prohibits the publication of names, images, or audio recordings of underage sexual abuse victims or witnesses, and it stipulates fines and one year in prison for offenders.

In the first eight months of the year, the Public Ministry received hundreds of

reports of sexual abuse of children. Indictments and convictions for child sexual abuse were common. The Public Ministry's office in Ciudad del Este on September 19 received a report that a man raped his 11-year-old stepdaughter earlier in the year. When the man learned he had impregnated the girl, he allegedly hired two women to kidnap the girl and perform a home abortion. The Public Ministry raided the location where the women performed the abortion and detained the two women. As of October 18, the man was at large, and the Public Ministry continued to investigate the case.

The Ministry of Childhood and Adolescence in January began redrafting its 2020-24 National Plan for Childhood and Adolescence after its initial proposal drew fierce criticism from socially conservative and religious groups. Such groups alleged in late 2020 the plan's emphasis on sexual education and gender equality would destroy traditional family values. Some government officials, including Vice Minister of Worship Fernando Griffith, spoke out publicly against teaching "gender ideology" to children, stating such content encouraged tolerance of abortion and LGBTQI+ lifestyles.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases>.

Anti-Semitism

The Jewish community had fewer than 1,000 members. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law nominally prohibits discrimination against persons with physical, sensory,

intellectual, and mental disabilities. Most of the country's buildings, communications, public transportation, and health services remained inaccessible.

Many persons with disabilities faced significant discrimination in employment; some were unable to seek employment because of a lack of accessible public transportation. The law mandates the allocation of 5 percent of all available civil servant positions to persons with disabilities; in practice persons with disabilities occupied less than 1 percent of civil service positions. As of April, of 422 public institutions, only 11 hired enough persons with disabilities to fill at least 5 percent of their positions while complying with all regulations regarding accessibility. According to UNESCO's Profiles Enhancing Education Reviews, as of June only 36 percent of persons with disabilities between the ages of six and 18 attended educational institutions. Only 17 percent of students with disabilities completed elementary school, and only 2 percent of students with disabilities enrolled in higher education. Most children with disabilities who attended school were enrolled in the public school system. Some specialized schools served specific disabilities, such as deafness.

HIV and AIDS Social Stigma

The law prohibits discrimination based on HIV-positive status and protects the privacy of medical information. The law also specifically prohibits employers from discriminating against or harassing employees based on HIV-positive status. Labor Ministry regulations forbid employers from requiring HIV testing prior to employment, but many companies reportedly did so.

NGOs, including the Paraguayan Human Rights Coordinator and the HIV/AIDS and Human Rights Counseling and Reporting Center, noted that persons with HIV or AIDS who sought access to health care and employment opportunities faced discrimination based on their sexual orientation, demand for HIV testing, and gender identity. NGOs reported discrimination of students with HIV or AIDS decreased during the COVID-19 pandemic as schools employed virtual curricula. Discrimination reportedly continued to occur, however, in awarding scholarships. The COVID-19 pandemic negatively affected access to HIV/AIDS-specific health care and testing. Public officials lacked awareness of HIV/AIDS-related human rights issues, in some cases resulting in privacy violations.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws explicitly prohibit discrimination against LGBTQI+ persons, and cases of violence and discrimination occurred.

On November 11, transgender woman Gabi Cabrera was killed in San Lorenzo Municipality, which borders Asuncion. Cabrera's partner found her body hanging from a tree. Media reported Cabrera had previously been violently attacked by a group of men on November 6 for being transgender. As of November 29, authorities continued to investigate Cabrera's death.

As of October the Public Ministry continued to investigate allegations from July 2020 that coast guard sailors in Ciudad del Este targeted three transgender women for torture and abuse because of their sexual orientation and gender identity.

The law does not allow individuals to officially change their birth names to anything that could "cause confusion over the person's sex." As a result, transgender individuals must maintain names on their vital documents that do not match their gender identity. LGBTQI+ rights activists report this created difficulties for transgender individuals when accessing essential services, including denial of those services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, provides for the right of workers (except for the armed forces and police) to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits binding arbitration or retribution against union organizers and strikers.

There are several restrictions on these rights. The law requires that industrial unions have a minimum of 20 members to register. All unions must register with the Ministry of Labor, a process that often takes more than a year. The ministry, typically within weeks of the application, issues provisional registrations that allow labor unions to operate. Unions with provisional registrations have the same rights

and obligations as fully registered unions. Workers cannot be members of more than one union, even if they have more than one part-time employment contract. Strikes are limited to purposes directly linked to workers' occupations. Candidates for office in trade unions must work for a company and be active members of the union.

The Labor Ministry is responsible for enforcing labor rights, registering unions, mediating disputes, and overseeing social security and retirement programs. Penalties, fines, and remedies associated with discrimination against unions were generally ineffective. Investigations to protect labor rights from antiunion discrimination were rare, lacked sufficient resources, and reportedly occurred only if requested by an aggrieved party. The ministry does not have jurisdiction to initiate or participate in litigation to prevent unionization.

Employers who fail to recognize or to bargain collectively with a registered union face a fine equaling 50 times the minimum daily wage, or approximately \$595. Employers who blacklist employees face a fine of 30 times the minimum daily wage (\$350). These penalties were insufficient to deter violations but were commensurate with penalties for workplace discrimination based on gender or race. The government often did not prevent retaliation by employers who took action against strikers and union leaders. Administrative and judicial procedures were subject to lengthy delays, mishandling of cases, and corruption. Delays were initially exacerbated by the COVID-19 pandemic, as courts struggled to shift proceedings to virtual platforms for the first time.

The government generally respected unions' freedom of association and the right to bargain collectively. Employers and professional associations heavily influenced some private-sector unions. The leadership of several unions representing public-sector employees had ties to political parties and the government.

The International Labor Organization (ILO) provided technical assistance in several areas, including the formalization of micro, small, and medium enterprises.

While union workers from the steel and maritime industries were unionized and often received relevant legal protections, most workers, including farmers,

ranchers, and informal-sector employees, did not participate in labor unions. Many of these workers were members of farmworker labor movements.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law. The Labor Ministry was unable to conduct inspections effectively, especially in remote areas, where forced labor was reportedly more prevalent. Penalties for violations include up to 20 years in prison, commensurate with penalties for analogous crimes, such as kidnapping (15 to 25 years in prison).

Ministry of Labor authorities reported no known instances of debt bondage. In the Chaco region, however, there were reports of children working alongside their parents in debt bondage on cattle ranches, on dairy farms, and in charcoal factories.

The government continued antitrafficking law enforcement and training efforts for teenagers entering the workforce but provided limited protective services to female and child trafficking victims. The Labor Ministry carried out child-labor information campaigns, in addition to campaigns promoting labor rights specific to the Chaco region. The ministry's Directorate for the Protection of Children and Youth continued to develop new virtual solutions, including online training for local authorities and a hotline for child labor tips.

Child labor and trafficking, particularly in domestic service, was a significant problem (see section 7.c.). Reports of *criadazgo* continued throughout the year. (*Criadazgo* is the practice where middle- and upper-income families informally “employ” children as domestic workers. The children are often from impoverished families and in theory receive shelter, food, some education, and a small stipend.) Approximately 47,000 children, or an estimated 2.5 percent of all children and youth, were engaged in *criadazgo*. Although not all children in situations of *criadazgo* were victims of trafficking, *criadazgo* made them more vulnerable. The government did not oversee implementation of the practice or specifically safeguard the rights of children employed through the *criadazgo* system, although the ILO requested the government to intensify its efforts to combat the exploitation of child labor within this context. While the practice is not legally prohibited, the

National Child and Adolescent Secretariat continued to denounce it as illegal under child labor laws, and the Ministry of Childhood and Adolescence continued to implement a social media campaign to call attention to the potentially harmful effects of criadazgo.

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for full-time employment is 18. Children ages 14 to 17 may work with written parental authorization if they attend school, do not work more than four hours a day (if they are ages 14 to 15) or six hours a day (if they are ages 16 to 17), and do not work more than a maximum of 24 hours per week.

The government did not effectively enforce laws protecting children from exploitation in the workplace. The law stipulates those who illegally employ adolescents between ages 14 and 17 under hazardous conditions must pay the maximum administrative penalty, serve up to five years in prison, or both. These penalties were not as harsh as those for analogous crimes, such as kidnapping, and were insufficient to deter violations, in part due to lax enforcement.

The Labor Ministry is responsible for administratively enforcing child labor laws, and the Public Ministry prosecutes violators. The Ministry of Childhood and Adolescence continued its program providing safe and educational spaces for children at risk of child labor, incorporating it into the Programa Abrazo (Hug Program). When the Ombudsman's Office and the Child Rights Committee received complaints, they referred them to the Public Ministry. Between January and November, the ministry received 17 complaints regarding child and adolescent workers, the same number it received between January and September of 2020. Most children worked in agriculture, construction, and services.

Despite the government's moderate advancement in efforts to eliminate the worst forms of child labor, child labor continued to occur in sugar, brick, and limestone production; domestic service; and small-scale farming. Children also worked in manufacturing, restaurants, and other service industries. Boys were often victims

of forced labor in agriculture, domestic service, criminality, in some cases in production of marijuana, and street scavenging.

In exchange for work, employers promised room, board, and financial support for school to child domestic servants. Some of these children were victims of human trafficking for the purposes of forced child labor, did not receive pay or the promised benefits in exchange for work, suffered from sexual exploitation, and often lacked access to education.

The worst forms of child labor occurred where malnourished, abused, and neglected children worked in unhealthy and hazardous conditions selling goods or services on the street, working in factories, or harvesting crops. Children were used, procured, and offered to third parties for illicit activities including commercial sexual exploitation (see also section 6, Children), sometimes with the knowledge of parents and guardians who received remuneration. Some minors were involved in forced criminality, such as acting as drug smugglers for criminal syndicates along the border with Brazil. Children reportedly worked in debt bondage alongside their parents in the Chaco region. The ILO indicated higher risk of a possible increase of child labor as a result of the COVID-19 pandemic.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/agencies/ilab/resources/reports/child-labor/findings and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

d. Discrimination with Respect to Employment and Occupation

The law specifically prohibits workplace discrimination based on race, skin color, sex, age, religion, political opinion, disability, HIV-positive status, or social origin. The government did not effectively enforce the law, and penalties were insufficient to deter violations. The fines for discrimination, which range from 10 to 30 times the minimum daily wage per affected worker, are not commensurate with laws related to civil rights such as election interference, which can carry penalties of up to five years in prison.

The press and civil society reported on employment discrimination based on sex, disability, language, sexual orientation, HIV-positive status, and pregnancy.

Many workers within the LGBTQI+ community preferred not to file complaints with the Labor Ministry due to the ministry's ineffective enforcement of the law and due to fear of being dismissed.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law does not provide for a national minimum wage for all economic sectors, but a standard minimum wage applies to most sectors. Further, there are minimum wage standards stipulated for specific sectors, such as cattle raising. The standard minimum wage was above the official estimate for the poverty income level.

The law stipulates that domestic employees work a maximum of eight hours per day. The law provides for a standard legal workweek of 48 hours (42 hours for night work) with one and one-half days of rest. There are no prohibitions of, or exceptions for, excessive compulsory overtime.

The Labor Ministry is responsible for enforcement of wage and hour laws. The number of labor inspectors was insufficient to enforce compliance with all labor laws. Inspectors have the authority to make unannounced inspections and initiate sanctions. Many of the ministry's efforts during the year were focused on enforcing workplace compliance with COVID-19 sanitary measures.

The Labor Ministry continued public-awareness campaigns aimed at employers and workers to raise awareness of labor laws and worker rights. Penalties, which were limited to fines, were insufficient to deter violations and were not commensurate with those for similar crimes, such as fraud, which could include imprisonment. Alleged violations of wage, hour, or overtime laws were common in cattle ranching and the textile industry.

Occupational Safety and Health: The government sets appropriate occupational safety and health (OSH) standards stipulating conditions of safety, hygiene, and comfort. Although these standards were current and appropriate for the light manufacturing and construction industries, enforcement was inadequate. Penalties for violations of OSH laws were commensurate with those for crimes such as negligence. Inspectors have the authority to make unannounced inspections and recommend sanctions.

During the first eight months of the year, the Labor Ministry's Department of Mediation of Private Conflicts received more than 7,000 labor complaints and mediation requests, a higher number than in 2020.

Between January 1 and November 16, the Labor Ministry received 10 reports of fatal workplace accidents in construction, retail, and manufacturing sectors.

Employers are obligated to register workers with the Labor Ministry. As of October 12, approximately 6,270 employers registered 18,287 new workers with the ministry, both numbers significantly higher than in 2019.

According to media and NGOs, many domestic workers suffered discrimination, were not paid for overtime work as required by law, and were not entitled to publicly provided retirement benefits, unlike other workers covered by the labor code. Only 18,000 of an estimated 280,000 domestic employees were registered for social security benefits. Domestic workers were eligible for government-sponsored medical care and retirement programs through payroll and employer contributions.

Informal Sector: The Labor Ministry did not effectively enforce provisions for overtime pay, the minimum wage, or limitations on hours of work in the formal or the informal sector. Informal-sector workers did not unionize. The World Bank estimated in May that 70 percent of workers were active in the informal economy. The National Institute of Statistics estimated in 2020 that 65 percent of workers in nonagricultural sectors were active in the informal economy, especially in service (including restaurants, hotels, and commerce), construction, and manufacturing sectors. Informal-sector workers were not covered by OSH laws or inspections. No government entity provided social protections for workers in the informal economy, although such workers qualified for basic health care and social security benefits available to all citizens. The government provided financial aid for informal-sector workers during the COVID-19 pandemic.